

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ROBERT MICHAEL THAMES, #206872,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 1:05-CV-1060-WKW
) [WO]
)
DR. O. D. MITCHUM,)
)
Defendant.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

Robert Michael Thames [“Thames”], a former county inmate, filed this 42 U.S.C. § 1983 action on November 2, 2005. In this complaint, Thames challenges the medication provided to him during his confinement at the Geneva County Jail. Specifically, Thames maintains that the defendant refused to provide him narcotic pain medication and, instead, prescribed other inadequate medication for treatment of his pain. The order of procedure entered in this case required Thames to immediately inform the court of any change in his address. *Order of December 2, 2005 - Court Doc. No. 4* at 4. On February 27, 2008, the court entered an order, a copy of which the Clerk mailed to Thames. The postal service returned this order because Thames no longer resided at the last address he had provided to the court for service. It is therefore clear that Thames failed to comply with the directives of the order entered on December 2, 2005. In light of the foregoing, the court concludes that this case cannot properly proceed without an address for the plaintiff and is therefore due to be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to comply with the orders of this court.

It is further

ORDERED that on or before March 16, 2008 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). See *Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). See also *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

DONE, this 3rd day of March, 2008.

/s/ Susan Russ Walker

SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE

